

Application No.: 09/881,275
Amendment

R E M A R K S

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested. Claim 8 has been amended, claims 1-7 and 9 have been canceled without prejudice, and new claims 10-12 have been added. Therefore, claims 8 and 10-12 are pending in the application.

IDS Mailed June 1, 2004

Applicant mailed a Supplemental Information Disclosure Statement (IDS) to the USPTO on June 1, 2004. Applicant requests that the Examiner consider the references listed therein and return a copy of the signed Form PTO-1449 with the next paper for this application.

Advisory Action Requested

If this amendment does not result in a Notice of Allowance, Applicant respectfully requests a timely Advisory Action.

Allowable Subject Matter

The Examiner had indicated in the previous Office Action (mailed November 28, 2003), that Applicant's dependent claim 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. (See Office Action mailed November 28, 2003, bottom of page 8 to top of page 9). In the present office action (mailed March 8, 2004) the Examiner now indicates that claim 8 is rejected. However, the Examiner does not provide any specific reasons for rejecting claim 8, and therefore, the indication that claim 8 is now rejected would appear to be an inadvertent error in the Office Action.

Therefore, in the above amendment Applicant has rewritten

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claim 8 in independent form to include the limitations of the base and intervening claims. As such, claim 8 is now in a condition for allowance.

Claim Rejections under 35 U.S.C. § 102

The Examiner continues to reject claims 1-7 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,357,014 to Baer et al. ("Baer et al."). Applicant respectfully traverses these rejections.

Applicant submits that these rejections are now moot because claims 1-7 and 9 have been canceled without prejudice and for reasons not related to patentability.

Applicant has added new claims 10, 11 and 12, which are directed to a computer readable medium, an information processing device and a method, respectively. These new claims include substantially the same limitations as allowable claim 8. Therefore, Applicant submits that the addition of new claims 10, 11 and 12 does not raise any new issues and that the new claims are allowable for the same reasons as claim 8.

No Fees Believed to be Due

A fee was previously paid in this application for a total of 15 claims with 4 claims being independent claims (as well as the multiple dependent claim fee). The above amendment results in there now being a total of 4 claims with 4 claims being independent claims. Therefore, no extra claims fees are believed to be due.

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C O N C L U S I O N

In view of the above, Applicant submits that the pending claims are in condition for allowance. Should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Richard E. Wawrzyniak at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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Dated

6/3/04

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